

## **Remarks**

### **1. Support for the amendments**

The amendments to the claims are supported in the claims as filed as well as, for example, paragraphs 51, 55, 56, 63 and 64. Thus, no new matter is added by amendment

### **2. Response to Rejections**

#### **Response to Rejections Under 35 U.S.C. § 102:**

The Examiner rejected claims 1-7, 11-17, and 19-21 under 35 U.S.C. § 102 as being allegedly anticipated by Keilman. To anticipate a claim, the cited reference must teach each and every element of the rejected claim. See MPEP § 2131. Applicants respectfully submit that Keilman fails to teach at least the neurostimulator of presently pending claim 1 or its dependent claims, or the methods of presently pending claims 19 or 21. Specifically, Keilman does not teach or suggest at least the limitations of the electrode system in comprising a plurality of piezoelectric chips that each comprise piezoelectric material electrically connected to a pair of electrodes and a diode in electrical communication with the electrode pair and piezoelectric material. The claimed configuration of the neurostimulator provides for a device capable of being electrically stimulated by an ultrasound pulse, while also being able to rectify the resulting electrical signal to match the duration of the ultrasound pulse, which provides a significant advantage in appropriately controlling nerve stimulation. The cited Keilman sections provide no teaching or suggestion of such devices and methods (nor of the further limitations added in dependent claims); in fact, Keilman provides absolutely no teaching regarding methods for stimulating excitable tissue or for blocking transmission of pain as recited in the pending method claims. Thus Applicant respectfully requests reconsideration and withdrawal of the rejection.

#### **Response to Rejections Under 35 U.S.C. § 103:**

The Examiner rejected claims 8-10 and claim 23 under 35 U.S.C. § 103 as being allegedly unpatentable over Keilman. To establish a *prima facie* case of obviousness, the cited art must teach or suggest all of the claim limitations. See MPEP § 2143. Applicant notes that claims 9-10 are canceled. Claim 8 depends from independent claim 1, which Applicant submits is allowable in light of the above remarks, and thus Applicant believes claim 8 is in condition for allowance. Furthermore, nothing in Keilman makes obvious the use of a plurality of piezoelectric chips that have different

resonant frequencies. Regarding claim 23, the Examiner indicated that a person of ordinary skill in the art would have found it obvious to implant the device disclosed in Keilman proximate to the pudental nerve. Applicant respectfully disagrees with the Examiner's conclusion. As discussed above, Keilman fails to discuss nerves cells or neurons and similarly fails to teach the stimulation of any nerves. Consequently, Applicant submits that Keilman fails to teach the method of stimulating the pudental nerve described in claim 23.

### **Conclusion**

Applicant respectfully submits that, in view of the amendments and remarks above, all of the pending rejections have been overcome. Applicant therefore respectfully requests allowance of all the pending claims. The Examiner is invited to call the undersigned at (312) 913-2106 with any questions or comments.

Respectfully submitted,  
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Date: / 10/6/08 /

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